

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2234**

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MOHAMMED ABDUR ROUF,

Petitioner,

v.

ERIC H. HOLDER, JR.,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals.

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Submitted: May 19, 2011

Decided: May 31, 2011

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Before SHEDD, DUNCAN, and WYNN, Circuit Judges.

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Petition denied in part, dismissed in part by unpublished per curiam opinion.

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Sol Kodsi, New York, New York, for Petitioner. Tony West, Assistant Attorney General, Jennifer Williams, Senior Litigation Counsel, Lance L. Jolley, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mohammed Abdur Rouf, a native and citizen of Bangladesh, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen. We have reviewed the administrative record and the Board's order and find that the Board did not abuse its discretion in denying the motion as untimely. See 8 C.F.R. § 1003.2(c)(2) (2010). We therefore deny the petition for review in part for the reasons stated by the Board. See In re: Rouf (B.I.A. Jul. 2, 2010). We lack jurisdiction to review the Board's refusal to exercise its sua sponte authority to reopen and therefore dismiss this portion of the petition for review. See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir. 2009).

Accordingly, we deny in part and dismiss in part the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED IN PART, DISMISSED IN PART